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REMARKS

Claims 1-18 and 20-24 were pending in the present Application. Claims 1 and 21 have been amended and Claim 20 has been cancelled, leaving Claims 1-18 and 21-24 for consideration upon entry of the present Amendment. No new matter has been entered by way of amendment. For example, support for the amendment to Claims 1 and 21 can be found at least in Claim 20 as originally filed.

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-11, 14-18, and 20-22 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,097,587 to Inagawa et al. (hereinafter "Inagawa") in view of U.S. Patent No. 5,478,670 to Hayasaka et al. (hereinafter "Hayasaka"). In addition, Claims 12-13 and 23-24 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Inagawa in view of Hayasaka as applied to Claims 1 and 21, and further in view of U.S. Patent No. 6,162,530 to Xiao et al. (hereinafter "Xiao"). Applicants respectfully traverse these rejections.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicants assert that a *prima facie* case of obviousness has not been established against independent Claims 1 and 21. Currently amended independent Claims 1 and 21 are directed to asymmetric supercapacitors, which include, *inter alia*, the feature "an aqueous electrolyte solution selected from the group consisting of aqueous solutions of hydroxides of alkali metals, aqueous solutions of carbonates of alkali metals, and mixtures thereof". This feature is not disclosed or suggested by the cited art.

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Inagawa discloses only sulfuric acid as an aqueous electrolyte solution to be used in the electric double layer capacitor disclosed therein. Specifically, Inagawa states at Column 7, lines 9-10, "The electrolyte solution 13, which is, for example, an aqueous electrolyte solution such as sulfuric acid, is used". Notably absent from the remainder of Inagawa is any disclosure regarding another type aqueous electrolyte solution. Therefore, Inagawa fails to teach or suggest Applicants claimed aqueous electrolyte solution.

Turning now to Hayasaka, Applicants contend that this reference too does not disclose or suggest an aqueous electrolyte solution selected from the group consisting of aqueous solutions of hydroxides of alkali metals, aqueous solutions of carbonates of alkali metals, and mixtures thereof. In fact, a critical or essential feature of Hayasaka is a non-aqueous electrolyte electrochemical cell, as indicated by the title of Hayasaka, which is: "**Non-Aqueous Electrolyte Electrochemical Cell Comprising High Ni Austenitic Stainless Steel Positive Electrode Case**". (emphasis added). Therefore, Hayasaka fails to cure the deficiencies of Inagawa.

Finally, Xiao is used for its disclosure of nanoscale materials, such as manganese dioxide. There is no disclosure by Xiao of asymmetric supercapacitors, let alone aqueous electrolyte solutions for use therein. Accordingly, Xiao fails to compensate for the deficiencies of Inagawa and Hayasaka.

In view of the foregoing, reconsideration and withdrawal of the rejection applied to independent Claims 1 and 21 are requested. Given that Claims 2-18, and 22-24 variably depend from these claims, they too are patentable for at least the same reasons.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

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If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By 

Dean Y. Shahriari
Registration No. 56,783

Date: September 27, 2006
Customer No.: 23413
Telephone (404) 607-9991